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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-189

13 **JEANNE MARIE KRUEGER, AKA**
14 **JEANNE KRUEGER**

A C C U S A T I O N

15 4457 Winding River Circle
16 Stockton, California 95219

Registered Nurse License No. 690797

Respondent.

17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about October 18, 2006, the Board of Registered Nursing issued
23 Registered Nurse License No. 690797 ("license") to Jeanne Marie Krueger, also known as
24 Jeanne Krueger ("Respondent"). The license will expire on January 31, 2010, unless renewed.

25 **JURISDICTION**

26 3. Section 2750 of the Business and Professions Code ("Code") provides, in
27 pertinent part, that the Board may discipline any licensee, including a licensee holding a

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temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

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1 8. Code section 490 states:

2 A board may suspend or revoke a license on the ground that the licensee
3 has been convicted of a crime, if the crime is substantially related to the
4 qualifications, functions, or duties of the business or profession for which the
5 license was issued. A conviction within the meaning of this section means a plea
6 or verdict of guilty or a conviction following a plea of nolo contendere. Any
7 action which a board is permitted to take following the establishment of a
8 conviction may be taken when the time for appeal has elapsed, or the judgment of
9 conviction has been affirmed on appeal, or when an order granting probation is
10 made suspending the imposition of sentence, irrespective of a subsequent order
11 under the provisions of Section 1203.4 of the Penal Code.

12 **COST RECOVERY**

13 9. Code section 125.3 provides, in pertinent part, that the Board may request
14 the administrative law judge to direct a licensee found to have committed a violation or
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
16 and enforcement of the case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Criminal Convictions)**

19 10. Respondent is subject to disciplinary action under Code sections 2761,
20 subdivision (f) and 490, in that Respondent has been convicted of the following crimes that are
21 substantially related to the qualifications, functions or duties of a licensed registered nurse:

22 a. On October 31, 2007, in the Superior Court, County of San Joaquin,
23 California, in the matter entitled *People of the State of California vs. Jeanne Krueger* (Sup. Ct.,
24 San Joaquin Cty., 2007, Case No. STO46611A), Respondent was convicted on her plea of guilty
25 of violating Vehicle Code section 23152, subdivision (b) (drive a vehicle with a blood alcohol
26 level of .08% or higher), a misdemeanor. The circumstances of the crime are that on August 28,
27 2007, Respondent was arrested for driving a vehicle with a blood alcohol level of 0.08% or
28 higher.

b. On February 21, 2008, in the Superior Court, County of San Joaquin,
California, in the matter entitled *People of the State of California vs. Jeanne Krueger* (Sup. Ct.,
San Joaquin Cty., 2007, Case No. STO47523A), Respondent was convicted on her plea of no
contest of violating Vehicle Code section 23152, subdivision (b) (drive a vehicle with a blood

1 alcohol level of .08% or higher), and Vehicle Code section 14601.1 (driving with a restricted
2 license for drunk driving), both misdemeanors. The circumstances of the crime are that on
3 December 29, 2007, Respondent was arrested for driving a vehicle with a blood alcohol level of
4 0.08% or higher. Respondent was also driving with a license that was restricted pursuant to a
5 prior DUI.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Conviction of Crimes Involving Alcoholic Beverages)**

8 11. Respondent is subject to discipline under Code section 2761, subdivision
9 (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c),
10 in that on or about October 31, 2007, and February 21, 2008, Respondent was convicted of
11 crimes involving alcoholic beverages, as more particularly set forth in paragraph 10,
12 subparagraphs a and b, above.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Use Alcoholic Beverages to an Extent or in a Manner Dangerous or Injurious)**

15 12. Respondent is subject to discipline under Code section 2761, subdivision
16 (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b),
17 in that on or about August 28, 2007, and December 29, 2007, Respondent used alcoholic
18 beverages to an extent or in a manner dangerous or injurious to herself, as more particularly set
19 forth in paragraph 10, subparagraphs a and b, above.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 690797, issued
24 to Jeanne Marie Krueger, also known as Jeanne Krueger;

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1 2. Ordering Jeanne Marie Krueger, also known as Jeanne Krueger to pay the
2 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
3 case, pursuant to Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: 3/5/09

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10 RUTH ANN TERRY, M.P.H., R.N.
11 Executive Officer
12 Board of Registered Nursing
13 Department of Consumer Affairs
14 State of California
15 Complainant
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